



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-8960

DEC 1 2 2022

**INFORMATION REQUEST LETTER
URGENT LEGAL MATTER – PROMPT REPLY REQUESTED
CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Resolute Forest Products
Attn: Stéphanie Leclaire, Chief Legal Officer
1010 De La Gauchetière Street West, Suite 400
Montreal, Quebec, H3B 2N2, Canada

SUBJ: Request for Information Pursuant to Section 104 of CERCLA regarding the Barite Hill/Nevada Goldfields Superfund Site located in McCormick, Chesterfield County, South Carolina

Dear Ms. Leclair:

The purpose of this letter is to request that you respond to the enclosed Information Request. The United States Environmental Protection Agency (EPA) is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Barite Hill/Nevada Goldfields Superfund Site (the Site). The Site was formerly owned and/or operated by Gwalia LTD, who obtained title to a portion of the Site property from Bowater Inc. in March 1991. In the deed describing this transfer, Bowater Inc. reserved mineral rights at the property. EPA's investigation requires further inquiry into the ownership and operational history of the Site, Bowater Inc.'s current status, Resolute Forest Products Inc.'s relation to Bowater Inc., and Resolute Forest Products Inc.'s interest in the Site, if any.

Pursuant to the authority of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, Resolute Forest Products Inc. (Resolute) is hereby requested to respond to the Information Request set forth in Enclosure A.

Compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within 60 days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA, as amended, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to \$62,689 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject Resolute to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Resolute's response to this Information Request should be mailed to:

Ms. Lisa Ellis
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
13th Floor
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303

And emailed to: ellis.lisa@epa.gov

Due to the seriousness of the problem at the Site and the legal ramifications for failure to respond properly, EPA strongly encourages Resolute to give this matter its immediate attention and to respond to this Information Request within the time specified above. If you have questions about this Information Request, you may consult with EPA prior to the time specified above. Please direct legal questions to Lisa Ellis at (404) 664-6963. Technical questions should be directed to Candice Teichert, Remedial Project Manager, at (404) 308-9193.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Ellis", with a stylized flourish at the end.

Lisa Ellis
Associate Regional Counsel

Enclosure

cc: Candice Teichert, Remedial Project Manager
Kevin Woodruff, Enforcement Project Manager

ENCLOSURE A

INFORMATION REQUEST Barite Hill/Nevada Goldfields Superfund Site

INSTRUCTIONS

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to the Respondent(s) as of the date of submission of a response to this Information Request should later become known or available to the Respondent(s), the Respondent(s) must supplement its response to EPA. Moreover, should the Respondent(s) find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, the Respondent must notify EPA of this fact as soon as possible and provide EPA with a connected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent(s) may contend that it includes possibly confidential information or trade secrets. Respondent(s) may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in statutes and regulations set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the Respondent(s). EPA advises that the Respondent(s) read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure A:

1. The term "you" or "Respondent" shall mean Resolute Forest Products Inc., the addressee of this request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms the "Site" or the "facility" shall mean and include the property on or about the Barite Hill/Nevada Goldfields Site located McCormick County, South Carolina between U.S. Route 378 and U.S. Route 221/Highway 28, approximately three miles south of the city of McCormick.
4. The term "Bowater Inc." shall refer to the entity which owned Parcel 128-00-00-005 within the Site from approximately 1979 until 1991, when the property was conveyed to another party (Gwalia LTD), with mineral rights reserved to Bowater Inc.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term "identify" means, with respect to a document, to provide its customary - business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
8. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or interoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each

document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

9. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
10. The term "arrangement" means every separate contract or other agreement between two or more persons.
11. The terms "transaction" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
12. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.
14. The term "property interest" means any interest in property including but not limited to, any ownership interest, including an easement, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
15. The term "asset" shall include the following: real estate, buildings or other improvements of real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent, including that person's title and/or position, and relation to Resolute Forest Products, Inc, or Bowater, Inc.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer, including those persons' title and/or position, relation to Resolute Forest Products, Inc or Bowater, Inc, and contact information.
3. For each and every Question contained herein, identify all documents consulted, examined, or referenced to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Describe any past and/or current relationships among Resolute Forest Products (hereinafter, Resolute), Bowater, Inc. (hereinafter, Bowater) and AbitibiBowater Inc. (hereinafter AbitibiBowater), Abitibi-Consolidated Inc (hereinafter Abitibi-Consolidated), and Gwalia. Include a detailed description of any stock and/or asset purchases, stock and/or asset divestitures, and corporate mergers, as applicable. Submit a copy of all documents in Respondent's possession relating to the described relationship, such as stock and/or asset purchase agreements, retention of any property interests as part of any merger, a complete set of corporate merger documents, etc.
5. In addition to the general relationship description above, respond to each of the following questions:
 - a. Has Resolute ever acquired any stock, assets, or other interest in or merged with Bowater, AbitibiBowater, Abitibi-Consolidated or any other company which operated at the Barite Hill/Nevada Goldfields Site, or underwent a corporate name change from Bowater or AbitibiBowater to Resolute? Please list all corporate names under which Resolute has existed.
 - b. Did Resolute sell or otherwise divest itself of any stock, assets, or other interest in Bowater, AbitibiBowater, Abitibi-Consolidated or any other company which operated at the Barite Hill/Nevada Goldfields Site?
 - c. If the answer to (a) or (b) is "yes", fully describe the nature of the transaction. State if the transaction consisted of a name change, merger, consolidation, sale or transfer of assets, and submit all documents relating to such transaction, including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation, or for the selling corporation to indemnify the purchasing corporation.
 - d. List the names of the officers, directors, and majority shareholders of Resolute and Bowater before and after the transaction identified in (a) above.
6. If the answer to Question 5(a) above is "yes", please:
 - a. Describe in detail whether Bowater, AbitibiBowater, Abitibi-Consolidated or any other responsive company, ceased operations, liquidated or dissolved or otherwise changed its operations after the transaction, and the dates of any such actions.

- b. List the names and former positions or titles of Respondent's officers that were formerly officers, directors, shareholders or employees of Bowater, AbitibiBowater, Abitibi-Consolidated or any other company involved in a transaction discussed in Question 5(a) above.
 - c. List the names and former positions or titles of any of Bowater, AbitibiBowater, Abitibi-Consolidated employees, shareholders, officers or directors that served as a consultant, or in a consulting capacity, to Respondent after the transaction. Describe in detail the nature of the consulting relationship.
 - d. Describe in detail whether, after the transaction, the Respondent continued to use any bank, savings and loan or other financial institution with which Bowater, AbitibiBowater, or Abitibi-Consolidated did business.
 - e. Describe in detail whether, after the transaction, the Respondent continued to use any insurance, surety, bonding, or similar company which covered Bowater business operations.
7. Identify all known changes in property ownership, to include surface and/or subsurface mineral rights interest, relating to the Barite Hill/Nevada Goldfields Site between 1991 through the present, including the date of the ownership change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. Provide the full corporate name, the state of incorporation, and all fictitious names used/held by that corporation.
- a. For each change in ownership, describe the type of change, i.e., asset purchase, corporate merger or name change as well as the date of the change in ownership.
 - b. For all asset purchases identified, provide a copy of the asset purchase agreement.
 - c. For all corporate mergers identified, provide a copy of the merger document.
 - d. Identify all consideration paid for the assets. In identifying the consideration, provide the amount paid in cash, the amount paid in promissory notes or other form of debenture payable to the entity and/or officers, directors and/or shareholders of the entity selling the assets, the value associated with the assumption of liabilities (if assumption of liabilities are involved, you are also to identify the types of liabilities assumed), the value associated with the performance of services, the value associated with shares of stock exchanged as part of the sale, and the type and value associated with any other form of consideration not identified above.
 - e. Are there any indemnification agreements associated with the sale of assets? If yes, please provide a copy of the agreement(s).
 - f. Identify the number, names and positions held of all senior management officials one year before the sale and one year after the sale.
 - g. Identify the shareholders of the corporation that sold the assets and the shareholders of the corporation that purchased the assets, and state their managerial or director role, if any. If the shareholders are different, is there now or was there at the time of sale any relationship between the two groups of shareholders other than that of seller/buyer.

8. Describe in detail Resolute's current interest in property at the Barite Hill/Nevada Goldfields Site, including surface and/or subsurface minerals; including but not limited to any current income or potential future income from property or mineral rights at the site. If any such interest exists, provide the name and contact information of the Resolute, or other corporate employee with responsibility for management of that interest.
9. Describe Resolute's understanding of the current ownership of surface and/or subsurface mineral rights interest at the Barite Hill/Nevada Goldfields Site. Provide supporting documentation regarding any transfer or divestiture of property interest, to include surface and/or subsurface mineral rights.
10. Please provide a chart detailing the corporate structure of Resolute through all intermediate entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" is to be the corporate entity that while owning or controlling the majority of the shares of common stock in a subsidiary corporation is not primarily owned/controlled by another corporation. List the names of the current officers, directors, and majority shareholders of Resolute.
11. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy.
 - b. A description of how the records were destroyed and the approximate date of destruction.
 - c. A description of the type of information that would have been contained in the documents.
 - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents
12. For each and every Question contained herein, if information or documents responsive to this Information Request are not in Respondent's possession, custody or control, then identify and provide the last known address of the persons from whom such information or documents may be obtained.
13. If Respondent has reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify and provide the last known address and contact information (i.e., phone number, email address, etc.) of such persons and the additional information or documents that they may have.